

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-6 and 13-18 were pending. In this Reply, claims 19-27 are added. Therefore, claims 1-6 and 13-27 are pending. Claims 1, 3 and 5 are independent.

§ 103 REJECTION – KOBORI, YAMAMOTO, KADO

Claims 1, 3, 5 and 13-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kobori et al. (USP 5,109,281) in view of Yamamoto et al. (USP 6,049,674) and Kado et al. (USP 5,905,807). *See Final Office Action, item 4.* Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, the combination of Kobori, Yamamoto and Kado references do not teach or suggest all recited elements. For example, independent claim 1 recites, in part “performing a face pattern normalizing process on each of the original image signals based on said detected face

candidate region and said calculated amount of displacement and/or the size difference such that a center position having coordinates (x, y) in the face pattern embedded in the person image into a center position having coordinates (x0, y0) in the predetermined reference image.”

None of Kobori, Yamamoto and Kado teaches or suggests this feature. Since none of the cited references individually teaches or suggests this feature, the combination of the references also cannot teach or suggest this feature. Accordingly, independent claim 1 is distinguishable over Kobori, Yamamoto and Kado.

Independent claim 3 recites, in part “normalization means for performing a face pattern normalizing process on each of the original image signals based on said detected face candidate region and said calculated amount of displacement and/or the size difference such that a center position having coordinates (x, y) in the face pattern embedded in the person image into a center position having coordinates (x0, y0) in the predetermined reference image.” It is demonstrated above that the combination of Kobori, Yamamoto and Kado cannot teach or suggest this feature. Accordingly, independent claim 3 is distinguishable over Kobori, Yamamoto and Kado.

Independent claim 5 recites, in part “performing a face pattern normalizing process on each of the original image signals based on said detected face candidate region and said calculated amount of displacement

and/or the size difference such that a center position having coordinates (x, y) in the face pattern embedded in the person image into a center position having coordinates (x0, y0) in the predetermined reference image.” It is demonstrated above that Kobori, Yamamoto and Kado cannot teach or suggest this feature. Accordingly, independent claim 5 is distinguishable over the same references.

Claims 13-18 depend from independent claims 1, 3 or 5 directly or indirectly. Accordingly, claims 13-18 are also distinguishable over Kobori, Yamamoto and Kado.

Applicant respectfully requests that the rejection of claims 1, 3, 5 and 13-18 based on Kobori, Yamamoto and Kado be withdrawn.

§ 103 REJECTION – KOBORI, YAMAMOTO, KADO, HORII

Claims 2, 4 and 6 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kobori, Yamamoto and Kado, and in further view of Horii (U.S. Patent 5,850,463). *See Final Office Action, Item 5.* Applicant respectfully traverses.

It is noted that claims 2, 4 and 6 depend from independent claims 1, 3, and 5, respectively, and it is demonstrated above that claims 1, 3 and 5 are distinguishable over the combination of Kobori, Yamamoto and Kado. Horii is not relied upon to correct for at least the above-noted deficiencies of Kobori, Yamamoto and Kado. Therefore, claims 1, 3 and 5 are also distinguishable

over the combination of Kobori, Yamamoto, Kado and Horii. Accordingly, claims 2, 4 and 6 are also distinguishable over the combination of Kobori, Yamamoto, Kado and Horii for at least due to their dependencies from the independent claims.

Applicant respectfully requests that the rejection of claims 2, 4 and 6 based on Kobori, Yamamoto, Kado and Horii be withdrawn.

NEW CLAIMS

In this Reply, claims 19-27 are added. No new matter is presented. The new claims are distinguishable over the cited references individually or in any combination, for at least due to their dependencies from independent claims 1, 3 or 5. Applicant respectfully requests that the new claims be allowed.

CONCLUSION


All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: November 14, 2006

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP


By: _____

D. Richard Anderson
Reg. No. 40,439

^{HNS}
DRA/HNS/vd
2091-0205P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000